Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 912-09676-2844-054	Date: 08/03/12	Time: 2041 hours	
Location: [redacted] East Glencoe Street	City or Station: Compton		
Bureau/Station/Facility: Compton Station	Admin. Investigation: ○ YES ◉ NO		
Type of Force: Significant Force- Takedown/Taser/Hobble (Suspect Deceased)			
Incident Category: ○1 ○2 ◉3	Deputy Injury: ◉ YES ○ NO	Suspect Injury ◉ YES ○ NO	
☒ Call	☐ Observation	☐ Detail	☐ Foot Pursuit ☐ Vehicle Pursuit
IAB Notified: ◉ YES ○ NO	Person Notified: Lt. Patrick Libertone	Emp: [redacted]	IAB Roll Out ○ YES ◉ NO

Involved Employee

E1

Employee #: [redacted]	Last Name / First Name: [redacted]		Middle I.:	Rank: Deputy		
Sex: ◉ M ○ F	Race: W	Height: 508	Weight: 220	Age: 32	Shift: ○ EM ○ Day ◉ PM	◉ Regular Shift ○ OT Shift ○ Off Duty
Unit of Assignment: Compton Station	Work Assignment (Unit #, Module, etc.): 285D					
Individual Force Used: Shoulder bump, Control hold (right arm)	○ Directed ○ Rescue ○ Medical Assist	Individual Category ○1 ◉2 ○3				
☒ Injured ☒ Treated ☐ Admitted	Facility: (on scene by fire)	Coroner Case #				

E2

Employee #: [redacted]	Last Name: Aviles	First Name: David	Middle I.:	Rank: Deputy		
Sex: ◉ M ○ F	Race: H	Height: 508	Weight: 190	Age: 31	Shift: ○ EM ○ Day ◉ PM	◉ Regular Shift ○ OT Shift ○ Off Duty
Unit of Assignment: Compton Station	Work Assignment (Unit #, Module, etc.): 285D					
Individual Force Used: Personal weapons (5 punches), Control hold (left arm)	○ Directed ○ Rescue ○ Medical Assist	Individual Category ◉1 ○2 ○3				
☒ Injured ☐ Treated ☐ Admitted	Facility:	Coroner Case #				

E3

Employee #: [redacted]	Last Name: Celaya	First Name: Ernest	Middle I.: F.	Rank: Deputy		
Sex: ◉ M ○ F	Race: H	Height: 600	Weight: 265	Age: 38	Shift: ○ EM ○ Day ◉ PM	◉ Regular Shift ○ OT Shift ○ Off Duty
Unit of Assignment: Compton Station	Work Assignment (Unit #, Module, etc.): 286B					
Individual Force Used: Taser (3 drive stuns to right calf)	○ Directed ○ Rescue ○ Medical Assist	Individual Category ○1 ◉2 ○3				
☐ Injured ☐ Treated ☐ Admitted	Facility:	Coroner Case #				

On Duty Supervisor

☐ Additional Involved Employees

Emp. #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Bell	Terrence	L.	Sgt.	YES ○ NO ◉	YES ○ NO ◉

Supervisor Completing Investigation

Emp. #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Bracken	Sonja	M.	Sgt.	YES ○ NO ◉	YES ○ NO ◉

Watch Commander / Supervising Lieutenant

Emp. #	Last Name / First Name / Middle I.	Rank
[redacted]	[redacted]	Lt.

Watch Commander / Supervising Lieutenant's **Signature:**	Date	Copy Provided to Employee by:	Emp #:
Captain Leonard McCray		[redacted]	
Unit Commander **(Print Name)**	Unit Commander's **Signature**:	Emp #:	Date

DISCOVERY Use Only
FO#

☐ PPI REVIEW COMPLETED

Original: Discovery Unit
Copy: Unit Commander

Supervisor's Report on Use of Force
INVOLVED EMPLOYEE - Continuation

9	1	2	-	0	9	6	7	6	-	2	8	4	4	-	0	5	4

Involved Employee

E 4

Employee #	Last Name	First Name	Middle I.	Rank
[redacted]	[redacted]	[redacted]	[redacted]	Deputy

Sex	Race	Height	Weight	Age	Shift	Shift Type
(●) M ( ) F	W	604	260	43	( ) EM ( ) Day (●) PM	(●) Regular Shift ( ) OT Shift ( ) Off Duty

Unit of Assignment: Compton Station
Work Assignment (Unit #, Module, etc.): 286B
Individual Force Used: Taser (1 drive stun)
( ) Directed ( ) Rescue ( ) Medical Assist
Individual Category: ( ) 1 (●) 2 ( ) 3
☐ Injured ☐ Treated ☐ Admitted Facility: ______
Coroner Case #:

E 5

Employee #	Last Name	First Name	Middle I.	Rank
[redacted]	Beserra	Paul	R.	Deputy

Sex	Race	Height	Weight	Age	Shift	Shift Type
(●) M ( ) F	H	600	200	30	( ) EM ( ) Day (●) PM	(●) Regular Shift ( ) OT Shift ( ) Off Duty

Unit of Assignment: Compton Station
Work Assignment (Unit #, Module, etc.): 284D
Individual Force Used: Control hold (left arm)
( ) Directed ( ) Rescue ( ) Medical Assist
Individual Category: (●) 1 ( ) 2 ( ) 3
☐ Injured ☐ Treated ☐ Admitted Facility: ______
Coroner Case #:

E 6

Employee #	Last Name	First Name	Middle I.	Rank
[redacted]	Lefevre	William	B.	Deputy

Sex	Race	Height	Weight	Age	Shift	Shift Type
(●) M ( ) F	W	511	190	34	( ) EM ( ) Day (●) PM	(●) Regular Shift ( ) OT Shift ( ) Off Duty

Unit of Assignment: Transit Services Bureau (Trnd at CPT)
Work Assignment (Unit #, Module, etc.): 286D
Individual Force Used: Applied hobble restraint device
( ) Directed ( ) Rescue ( ) Medical Assist
Individual Category: (●) 1 ( ) 2 ( ) 3
☒ Injured ☒ Treated ☐ Admitted Facility: (on scene by fire)
Coroner Case #:

E_

Employee #	Last Name	First Name	Middle I.	Rank

Sex	Race	Height	Weight	Age	Shift	Shift Type
( ) M ( ) F					( ) EM ( ) Day ( ) PM	( ) Regular Shift ( ) OT Shift ( ) Off Duty

Unit of Assignment:
Work Assignment (Unit #, Module, etc.):
Individual Force Used:
( ) Directed ( ) Rescue ( ) Medical Assist
Individual Category: ( ) 1 ( ) 2 ( ) 3
☐ Injured ☐ Treated ☐ Admitted Facility: ______
Coroner Case #:

E_

Employee #	Last Name	First Name	Middle I.	Rank

Sex	Race	Height	Weight	Age	Shift	Shift Type
( ) M ( ) F					( ) EM ( ) Day ( ) PM	( ) Regular Shift ( ) OT Shift ( ) Off Duty

Unit of Assignment:
Work Assignment (Unit #, Module, etc.):
Individual Force Used:
( ) Directed ( ) Rescue ( ) Medical Assist
Individual Category: ( ) 1 ( ) 2 ( ) 3
☐ Injured ☐ Treated ☐ Admitted Facility: ______
Coroner Case #:

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION

912 - 09676 - 2844 - 054

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	Werner	John	E.

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
Compton Station	286D	◯ EM ◯ Day ◉ PM	◉ Regular ◯ OT ◯ Off Duty

Emp. #	Last Name	First Name	Middle Name

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
		◯ EM ◯ Day ◯ PM	◯ Regular ◯ OT ◯ Off Duty

Emp. #	Last Name	First Name	Middle Name

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
		◯ EM ◯ Day ◯ PM	◯ Regular ◯ OT ◯ Off Duty

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]		32	[redacted]

Street Address	City	Zip Code	Phone #1	Phone #2
[redacted]	[redacted]	[redacted]	[redacted]	

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

☐ **Additional Witness**

Supervisor's Report on Use of Force
SUSPECT INFORMATION

912 - 09676 - 2844 - 054

Suspect Information

S 1

Last Name: Burley | First Name: Darren | Middle Name: Dwaine | Armed? Select

AKA Last Name | First Name | Middle Name

Sex	Race	Age	Height	Weight	D.O.B	Phone #1: ◯ H ◯ W ◯ C	Phone #2: ◯ H ◯ W ◯ C
◉ Male ◯ Female	B	29	511	180	03/01/83	unknown	

Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Booking #: 3252191 | Primary Charge Code: 245(a)(1) P.C. | Secondary Charge Code: 69 P.C. | ☒ Criminal History

Treated on Scene? ◉ YES ◯ NO | Name: Compton Fire Departmen | Unit: Engine 42 | Phone #: 310 605-5670

Hospital Admission? ☒ | Rec'd Treatment At: Long Beach Memorial | Coroner Case #: 2012-05357 | Mental History ☐ User's guide provides direction on this entry

By: Doctor Vandordaklou | Address: 2801 Atlantic Avenue, Long Beach | Phone #: 562 933-2000

Under Influence: ◉ YES ◯ NO | Substance: PCP or Ketamine | 5150 a factor in force? ◯ YES ◯ NO User's guide provides direction on this entry

Suspect Interview

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☒ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S_

Last Name | First Name | Middle Name | Armed? Select

AKA Last Name | First Name | Middle Name

Sex: ◯ Male ◯ Female | Race: | Age: | Height: | D.O.B. | Weight: | Phone #1: ◯ H ◯ W ◯ C | Phone #2: ◯ H ◯ W ◯ C

Street Address: | City: | State & Zip Code:

Booking #: | Primary Charge Code: | Secondary Charge Code: | ☐ Criminal History

Treated on Scene? ◯ YES ◯ NO | By: | Unit: | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case #: | Mental History ☐ User's guide provides direction on this entry

By: | Address: | Phone #:

Under Influence: ◯ YES ◯ NO | Substance: | 5150 a factor in force? ◯ YES ◯ NO User's guide provides direction on this entry

Suspect Interview

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S_

Last Name | First Name | Middle Name | Armed? Select

AKA Last Name | First Name | Middle Name

Sex: ◯ Male ◯ Female | Race: | Age: | Height: | D.O.B. | Weight: | Phone #1: ◯ H ◯ W ◯ C | Phone #2: ◯ H ◯ W ◯ C

Street Address: | City: | State & Zip Code:

Booking #: | Primary Charge Code: | Secondary Charge Code: | ☐ Criminal History

Treated on Scene? ◯ YES ◯ NO | By: | Unit: | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case #: | Mental History ☐ User's guide provides direction on this entry

By: | Address: | Phone #:

Under Influence: ◯ YES ◯ NO | Substance: | 5150 a factor in force? ◯ YES ◯ NO User's guide provides direction on this entry

Suspect Interview

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

☐ **Additional Suspects Involved**

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(RO) Restraint Device (Other)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(IR) Less Lethal Impact Round (other)
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative
(HR) High Risk

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Involved

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Burley	S1	[redacted] Aviles	E1, E2	UC, RS	NN	
[redacted]	E1	Burley	S1	PP	SD	HE
Burley	S1	[redacted]	E1	RS	AB	KN
Burley	S1	Aviles	E2	PH	SD	FI
Aviles	E1	Burley	S1	PH	NN	
Burley	S1	[redacted] Aviles	E1, E2	RS	NN	
[redacted] Aviles	E1, E2	Burley	S1	TT, CT	NN	
Celaya, [redacted]	E3, E4	Burley	S1	TR	NN	
Burley	S1	[redacted] Aviles,	E1, E2,	RS, CT	NN	
Burley	S1	[redacted] Beserra	E4, E5	RS, CT	NN	
Lefevre	E6	Burley	S1	HB	NN	

INVESTIGATIVE SUMMARY

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

SIGNIFICANT FORCE INCIDENT EVALUATION

UNIT: Compton Station
DATE: August 3, 2012, Friday
TIME: 2041 hours
LOCATION: [redacted] East Glencoe Street, Compton, CA. 90220
IAB#: FO2317769
URN#: 012-09676-2844-496

IAB Note: **This case occurred prior to the implementation of the new use of force categorical system on January 1, 2013.**

Opening Statement:
On August 3, 2012, Compton Station deputies responded to a domestic violence call on Glencoe Street. Once deputies arrived on scene, Suspect Darren Burley was uncooperative, resistive, and assaultive. Deputies used a takedown, control holds, and a taser to gain control and place handcuffs on Suspect Burley. Deputies also placed a hobble around Suspect Burley's ankles. Compton Fire Department was on scene as Suspect Burley became unresponsive. Suspect Burley was transported to Long Beach Memorial Hospital and was subsequently declared brain dead on August 13, 2012. On August 14, 2012, Homicide Bureau responded to conduct a death imminent investigation (refer to the Homicide case book, **Exhibit A**). Subsequently, Internal Affairs Bureau Sergeant Sonja Bracken was assigned to conduct an administrative review of the incident.

Synopsis:
On August 3, 2012, at approximately 2041 hours, Deputies [redacted] and David Aviles responded to the above location regarding a man assaulting a pregnant female, [redacted] in the street. Upon their arrival, Suspect Darren Burley stood up and confronted the deputies with a combative posture. Victim [redacted] and witnesses identified Suspect Burley as the assailant. Suspect Burley appeared to be displaying symptoms of being under the influence of drugs. Deputies ordered Suspect Burley to the ground and he did not comply. Suspect Burley began advancing towards them with clenched fists and growling. As Victim [redacted] began to run away from Suspect Burley, Suspect Burley ran after her. Believing that Suspect Burley intended to harm Victim [redacted] Deputy [redacted] ran toward Suspect Burley. Deputy [redacted] used his left shoulder to collide with Suspect Burley's right side. The impact caused Suspect Burley to fall forward into a parked truck. Suspect Burley struck his head on the front grill of a white pickup truck.

The impact also caused Deputy [redacted] to fall and scrape his right knee. With Suspect Burley face down, both deputies attempted to gain control of Suspect Burley's arms in order to handcuff him. Suspect Burley got onto his knees, grabbed Deputy Aviles' uniform shirt, pulled him closer, and began punching him in the chest. Suspect Burley also grabbed Deputy Aviles' radio microphone from his shirt. Deputy Aviles gave several commands for Suspect Burley to comply as he punched Suspect Burley in the face approximately five times with both fists. Deputy Aviles punches had no effect on Suspect Burley. Suspect Burley continuously tried to get to his feet, held onto Aviles' microphone, and tried to bite Deputy Aviles. Both deputies were on the ground struggling with Suspect Burley when assisting deputies arrived. Deputy Ernest Celaya placed his left knee on Suspect Burley's right ankle to stop him from kicking. Deputy William Lefevre handed Deputy Celaya a taser. Deputy Celeya applied three taser activations to Suspect Burley's right calf area but the taser had no effect.

Deputy Celaya handed the taser to Deputy [redacted] who applied the taser to Burley's right rib area for two to three seconds without any apparent effect. Deputies Aviles and Beserra were eventually able to gain control of Suspect Burley's left arm. Deputies [redacted] gained control of Suspect Burley's right arm. At that point, they were able to handcuff Suspect Burley's hands behind his back. Suspect Burley continued to kick his feet, so Deputy Lefevre applied a hobble restraint around his legs.

Paramedics were already on scene treating Victim [redacted] as Suspect Burley began to lose consciousness. Suspect Burley was transported to Long Beach Memorial Hospital, where he was admitted. Suspect Burley never regained consciousness and was declared brain dead on August 13, 2012.

The coroner's report indicated that Suspect Burley cause of death was the sequelae of anoxic encephalopathy (brain damage due to lack of oxygen) cerebral edema (swelling or inflammation of the brain) with cardiopulmonary arrest. He had cocaine, phencyclidine (PCP) and marijuana in his system. Dr. Panchal determined that the cocaine and PCP in Suspect Burley's system further compromised the function of his heart. Suspect Burley's physical resistance towards the deputies placed strain on his heart, which caused his heart and lungs to stop. Once those organs stopped functioning there was a lack of oxygen to his brain, which caused brain death. Doctor Panchal's opinion was that Suspect Burley's head injury from contacting the parked truck was not related to the immediate cause of death, though it was listed as a contributing condition.

<u>IAB Note</u>: For further details on Suspect Burley's injuries, refer to Exhibit A, pages 78- 110, for a copy of the coroner's report.

The following deputy personnel reported the following use of force:

Deputy [redacted] Shoulder bump, Control hold (right arm).

<u>IAB Note</u>: For further details, refer to Exhibit A, pages 14- 16 for a copy of Deputy [redacted]**'s supplemental report.**

Deputy Aviles: Personal weapons (5 punches to Suspect Burley's face), control hold (left arm).

<u>IAB Note</u>: For further details, refer to Exhibit A, pages 17-18 for a copy of Deputy Aviles' supplemental report.

Deputy Celaya: Taser (3 Drive stuns to Suspect Burley's right calf).

<u>IAB Note</u>: For further details, refer to Exhibit A, pages 19- 20 for a copy of Deputy Celaya's supplemental report.

Deputy [redacted] Taser (1 Drive stun to Suspect Burley's right rib area), control hold (right arm).

<u>IAB Note</u>: For further details, refer to Exhibit A, pages 21- 22 for a copy of Deputy [redacted] **supplemental report.**

Deputy Beserra: Control hold (left arm).

<u>IAB Note</u>: For further details, refer to Exhibit A, page 23 for a copy of Deputy Beserra's supplemental report.

Deputy Lefevre: Applied a hobble restraint to Suspect Burley's legs.

<u>IAB Note</u>: For further details, refer to Exhibit A, pages 1- 8 for a copy of Lefevre's first report.

<u>IAB Note:</u> According to the print out for the X-26 taser used in this incident (Exhibit A, page 32), the taser was discharged five times at 20:45 and the battery life was in the 96 to 97 range. During the incident Deputy William Lefevre accidentally tased himself which appears to account for the first discharge of the taser at 20:45:16.

The following review is based on written documentation, interviews of the victim, witnesses, and involved deputies.

INVOLVED PERSONNEL:

[redacted]- Deputy, Employee #[redacted]
Compton Station
Central Patrol Division

Employee work history:

Date of Employment:
Assigned to Patrol:
Completed Patrol Training:
Prior Shooting Incident(s):
Prior Founded Force Incidents:


[redacted]

David Aviles- Deputy, Employee #[redacted]
Compton Station
Central Patrol Division

Employee work history:

Date of Employment: 01/25/2006
Assigned to Patrol:
Completed Patrol Training:
Prior Shooting Incident(s):
Prior Founded Force Incidents:
[redacted]

Ernest Celaya- Deputy, Employee #[redacted]
Compton Station
Central Patrol Division

Employee work history:

Date of Employment: 05/02/2002
Assigned to Patrol:
Completed Patrol Training:
Prior Shooting Incident(s):
Prior Founded Force Incidents:
[redacted]

[redacted]- Deputy, Employee #[redacted]
Compton Station
Central Patrol Division

Employee work history:

Date of Employment: [redacted]
Assigned to Patrol:
Completed Patrol Training:
Prior Shooting Incident(s):
Prior Founded Force Incidents:

Paul Beserra- Deputy, Employee #[redacted]
Compton Station
Central Patrol Division

Employee work history:

Date of Employment: 11/30/2005
Assigned to Patrol: [redacted]
Completed Patrol Training:
Prior Shooting Incident(s):
Prior Founded Force Incidents:

William Lefevre- Deputy, Employee #[redacted]
Transit Services Bureau (Trained at Compton Station)
Central Patrol Division

Employee work history:

Date of Employment: 12/05/2007
Assigned to Patrol: [redacted]
Completed Patrol Training:
Prior Shooting Incident(s):
Prior Founded Force Incidents:

<u>INVOLVED SUSPECT</u>:

<u>Darren Dwaine Burley</u> MB/29, DOB: 03/01/83
[redacted]
Booking Charges (prior to him dying): 245 (a)(1) PC, 69 PC
Main: [redacted] CII: [redacted] CDL: [redacted] FBI#: [redacted]

Involved Suspect's Criminal History:

A review of Suspect Burley's criminal history reveals numerous arrests for [redacted]

IAB Note: **For further on Suspect Burley's Criminal History, refer to Exhibit A, pages 45-77.**

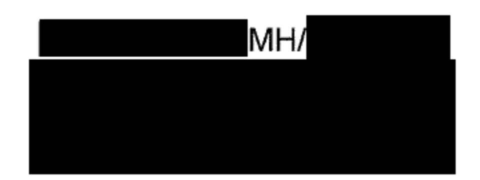
DEPARTMENT EMPLOYEE WITNESSES:

John Werner- Deputy, Employee #[redacted]
Compton Station
Central Patrol Division

Employee work history:

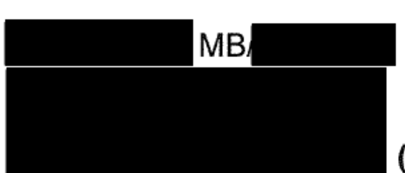
Date of Employment:	01/05/2005
Date Assigned to Patrol:	[redacted]
Completed Patrol Training:	
Prior Shooting Incident(s):	
Prior Founded Force Incidents:	

NON-DEPARTMENT WITNESSES:

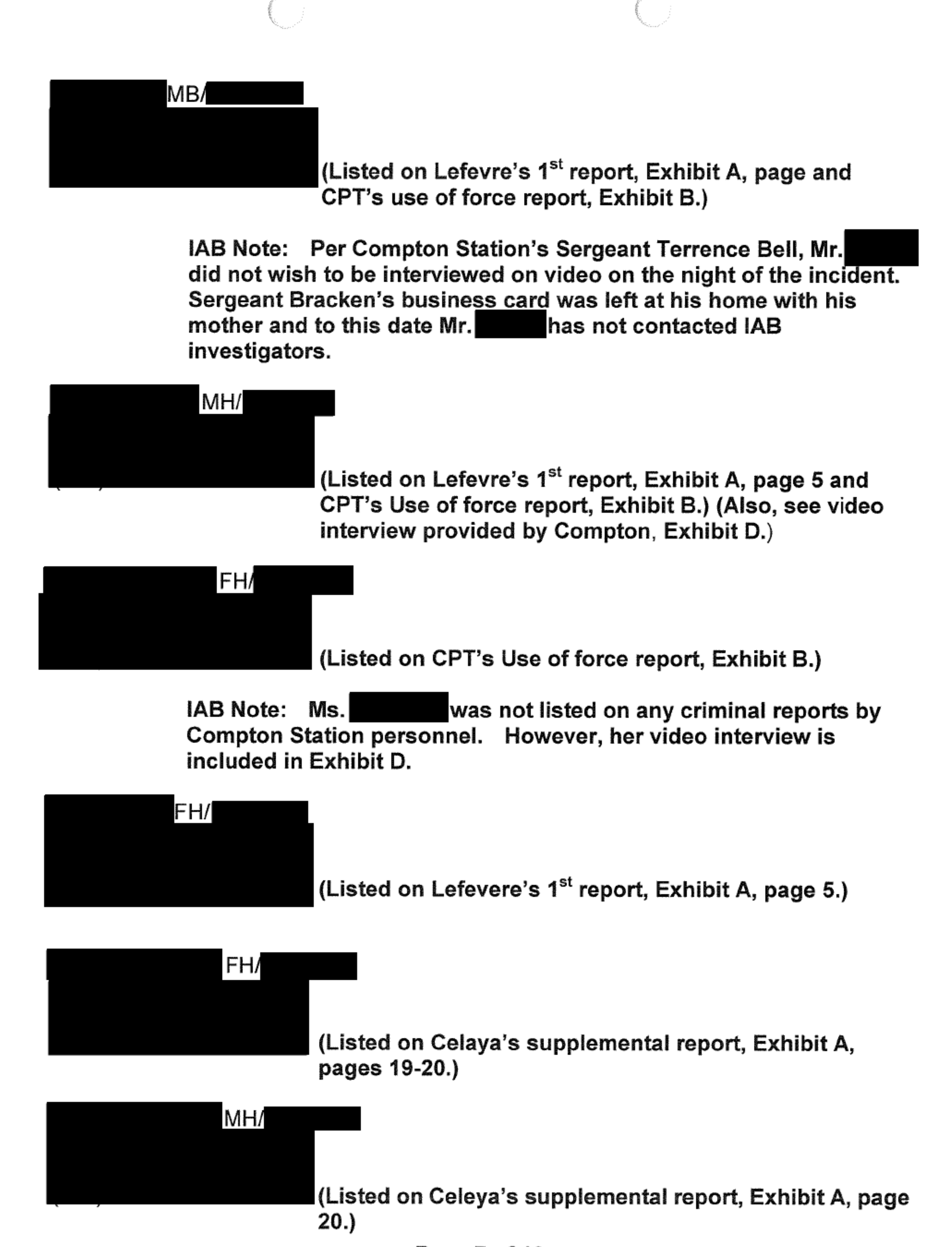

[redacted]MH/[redacted]

IAB Note: On July 1, 2014, Internal Affairs Bureau Sergeants Sonja Bracken and Jose Uribe conducted door knocks on Glencoe Street regarding re-interviewing the civilian witnesses listed below and possibly locating other witnesses. IAB investigators located and interviewed [redacted] (listed above). Sergeant Bracken's business cards were left with family members at the remaining residences.

The following citizens were listed on Compton Station personnel's initial reports, prior to the Homicide Bureau and IAB being assigned to the case. The preliminary Supervisor's Use of Force report completed by Sergeant Terrence Bell is included in Exhibit B. Sergeant Bracken also placed several calls to the citizens listed below. To this date, these witnesses or any other citizens from Glencoe Street have not contacted the Internal Affairs Bureau.


[redacted]MB/[redacted]

(Listed on Lefevre's 1st report, Exhibit A, page 4.)



[redacted] MB/ [redacted]

[redacted] (Listed on Lefevre's 1st report, Exhibit A, page and CPT's use of force report, Exhibit B.)

IAB Note: Per Compton Station's Sergeant Terrence Bell, Mr. [redacted] did not wish to be interviewed on video on the night of the incident. Sergeant Bracken's business card was left at his home with his mother and to this date Mr. [redacted] has not contacted IAB investigators.

[redacted] MH/ [redacted]

[redacted] (Listed on Lefevre's 1st report, Exhibit A, page 5 and CPT's Use of force report, Exhibit B.) (Also, see video interview provided by Compton, Exhibit D.)

[redacted] FH/ [redacted]

[redacted] (Listed on CPT's Use of force report, Exhibit B.)

IAB Note: Ms. [redacted] was not listed on any criminal reports by Compton Station personnel. However, her video interview is included in Exhibit D.

[redacted] FH/ [redacted]

[redacted] (Listed on Lefevere's 1st report, Exhibit A, page 5.)

[redacted] FH/ [redacted]

[redacted] (Listed on Celaya's supplemental report, Exhibit A, pages 19-20.)

[redacted] MH/ [redacted]

[redacted] (Listed on Celeya's supplemental report, Exhibit A, page 20.)

IAB Note: Ms. [redacted] was listed on the first criminal report as a witness to the assault on Victim [redacted] She did not observe the deputies interaction with Suspect Burley.

On July 7, 2014, IAB Sergeants Dennis Watters and Jeff Hamil conducted door knocks on 2 last known addresses in Palmdale for Victim [redacted] They contacted her mother [redacted] at [redacted] her [redacted] said Victim [redacted] is a transient. Sergeant Bracken's business card was left with Ms. [redacted] To this date, Victim [redacted] has not contacted Internal Affairs Bureau.

INJURIES:

Deputy [redacted] sustained a scrape to his right knee. Deputy Aviles sustained swelling to his left pinky finger.

PHYSICAL EVIDENCE:

None

INVESTIGATOR'S OBSERVATIONS:

There was no crime scene containment, so therefore there was no examination of the scene. Compton station personnel and supervisors canvassed the area for witnesses after the incident. There were no surveillance cameras located.

WEAPONS USED BY DEPUTY PERSONNEL:

Personal weapons, a taser, and a hobble restraint device as indicated on pages 2 & 3 of this summary.

WEAPON USED BY SUSPECT BURLEY:

Uncooperative, Resistive, Assaultive

PROPERTY DAMAGE:

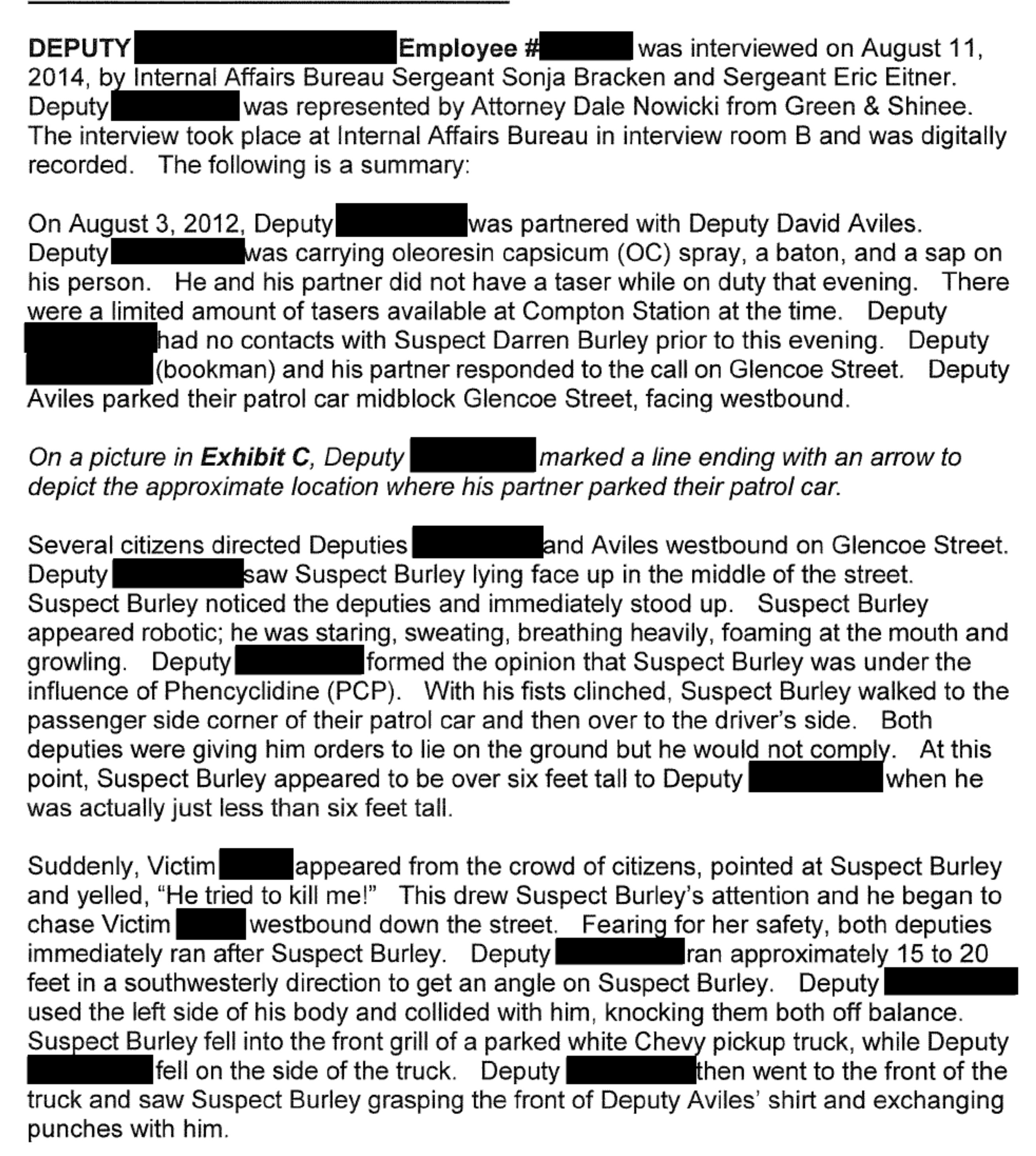
None.

CRIMINAL INVESTIGATOR AND CHARGES FILED:

Not applicable. Suspect deceased.

LIGHTING AND WEATHER CONDITIONS:

The incident occurred outdoors and in the evening. The scene was illuminated by street lights.



INVOLVED EMPLOYEES STATEMENTS:

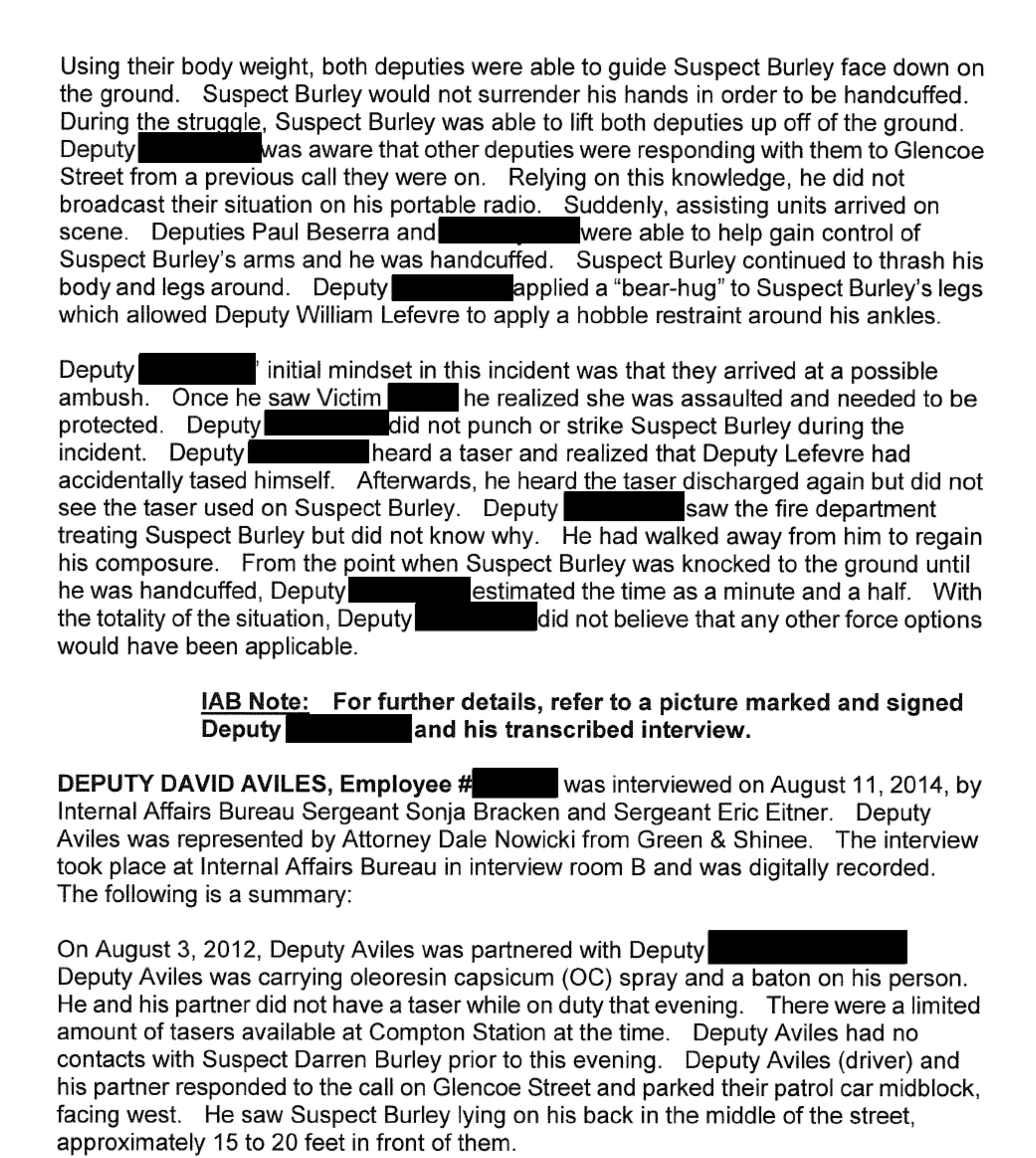
DEPUTY [redacted] Employee #[redacted] was interviewed on August 11, 2014, by Internal Affairs Bureau Sergeant Sonja Bracken and Sergeant Eric Eitner. Deputy [redacted] was represented by Attorney Dale Nowicki from Green & Shinee. The interview took place at Internal Affairs Bureau in interview room B and was digitally recorded. The following is a summary:

On August 3, 2012, Deputy [redacted] was partnered with Deputy David Aviles. Deputy [redacted] was carrying oleoresin capsicum (OC) spray, a baton, and a sap on his person. He and his partner did not have a taser while on duty that evening. There were a limited amount of tasers available at Compton Station at the time. Deputy [redacted] had no contacts with Suspect Darren Burley prior to this evening. Deputy [redacted] (bookman) and his partner responded to the call on Glencoe Street. Deputy Aviles parked their patrol car midblock Glencoe Street, facing westbound.

*On a picture in **Exhibit C**, Deputy [redacted] marked a line ending with an arrow to depict the approximate location where his partner parked their patrol car.*

Several citizens directed Deputies [redacted] and Aviles westbound on Glencoe Street. Deputy [redacted] saw Suspect Burley lying face up in the middle of the street. Suspect Burley noticed the deputies and immediately stood up. Suspect Burley appeared robotic; he was staring, sweating, breathing heavily, foaming at the mouth and growling. Deputy [redacted] formed the opinion that Suspect Burley was under the influence of Phencyclidine (PCP). With his fists clinched, Suspect Burley walked to the passenger side corner of their patrol car and then over to the driver's side. Both deputies were giving him orders to lie on the ground but he would not comply. At this point, Suspect Burley appeared to be over six feet tall to Deputy [redacted] when he was actually just less than six feet tall.

Suddenly, Victim [redacted] appeared from the crowd of citizens, pointed at Suspect Burley and yelled, "He tried to kill me!" This drew Suspect Burley's attention and he began to chase Victim [redacted] westbound down the street. Fearing for her safety, both deputies immediately ran after Suspect Burley. Deputy [redacted] ran approximately 15 to 20 feet in a southwesterly direction to get an angle on Suspect Burley. Deputy [redacted] used the left side of his body and collided with him, knocking them both off balance. Suspect Burley fell into the front grill of a parked white Chevy pickup truck, while Deputy [redacted] fell on the side of the truck. Deputy [redacted] then went to the front of the truck and saw Suspect Burley grasping the front of Deputy Aviles' shirt and exchanging punches with him.



Using their body weight, both deputies were able to guide Suspect Burley face down on the ground. Suspect Burley would not surrender his hands in order to be handcuffed. During the struggle, Suspect Burley was able to lift both deputies up off of the ground. Deputy [redacted] was aware that other deputies were responding with them to Glencoe Street from a previous call they were on. Relying on this knowledge, he did not broadcast their situation on his portable radio. Suddenly, assisting units arrived on scene. Deputies Paul Beserra and [redacted] were able to help gain control of Suspect Burley's arms and he was handcuffed. Suspect Burley continued to thrash his body and legs around. Deputy [redacted] applied a "bear-hug" to Suspect Burley's legs which allowed Deputy William Lefevre to apply a hobble restraint around his ankles.

Deputy [redacted]' initial mindset in this incident was that they arrived at a possible ambush. Once he saw Victim [redacted] he realized she was assaulted and needed to be protected. Deputy [redacted] did not punch or strike Suspect Burley during the incident. Deputy [redacted] heard a taser and realized that Deputy Lefevre had accidentally tased himself. Afterwards, he heard the taser discharged again but did not see the taser used on Suspect Burley. Deputy [redacted] saw the fire department treating Suspect Burley but did not know why. He had walked away from him to regain his composure. From the point when Suspect Burley was knocked to the ground until he was handcuffed, Deputy [redacted] estimated the time as a minute and a half. With the totality of the situation, Deputy [redacted] did not believe that any other force options would have been applicable.

> **IAB Note: For further details, refer to a picture marked and signed Deputy [redacted] and his transcribed interview.**

DEPUTY DAVID AVILES, Employee #[redacted] was interviewed on August 11, 2014, by Internal Affairs Bureau Sergeant Sonja Bracken and Sergeant Eric Eitner. Deputy Aviles was represented by Attorney Dale Nowicki from Green & Shinee. The interview took place at Internal Affairs Bureau in interview room B and was digitally recorded. The following is a summary:

On August 3, 2012, Deputy Aviles was partnered with Deputy [redacted] Deputy Aviles was carrying oleoresin capsicum (OC) spray and a baton on his person. He and his partner did not have a taser while on duty that evening. There were a limited amount of tasers available at Compton Station at the time. Deputy Aviles had no contacts with Suspect Darren Burley prior to this evening. Deputy Aviles (driver) and his partner responded to the call on Glencoe Street and parked their patrol car midblock, facing west. He saw Suspect Burley lying on his back in the middle of the street, approximately 15 to 20 feet in front of them.

On a picture in **Exhibit C**, *Deputy Aviles marked and "X" to depict the approximate location where he parked their patrol car. He marked an "O" to depict the approximate location where the struggle with Suspect Burley took place.*

Upon noticing the deputies, Suspect Burley stood up with both fists clinched and down at his sides. Both deputies gave several commands for Suspect Burley to surrender and he did not comply. Suspect Burley was breathing heavily and foaming at the mouth, as he walked towards the deputies. Deputy Aviles previously heard the updates on the call for service as they were enroute to the scene. The call stated that Suspect Burley was choking and assaulting a female. Deputy Aviles mindset was to protect that female. Suddenly, Victim [redacted] appeared, pointed at Suspect Burley and said, "He tried to kill me." Suspect Burley noticed Victim [redacted] and began chasing her westbound on Glencoe Street. Fearing for her safety, both deputies ran after Suspect Burley and were approximately 15 feet behind him. Deputy [redacted] was in front of Deputy Aviles and was able to use his left shoulder to collide with Suspect Burley's right shoulder. The collision caused Suspect Burley to stumble forward, into the front of white Chevy truck which was parked on the south side of the street. Suspect Burley ended up lying face down in front of that truck. Deputy [redacted] had fallen but Deputy Aviles could not see where he had fallen. Deputy Aviles immediately attempted to handcuff Suspect Burley. Suspect Burley got onto his knees and using his uniform shirt, pulled Deputy Aviles inward towards him. Suspect Burley punched Deputy Aviles approximately five times in his torso area. Deputy Aviles continued to give Suspect Burley commands to stop fighting and he did not comply. Deputy Aviles believed that Suspect Burley was under the influence of Phencyclidine (PCP) based on his actions and strength. Fearing for his safety, Deputy Aviles punched Suspect Burley five times in his face.

Deputy [redacted] began to assist him with Suspect Burley and they were able to guide Suspect Burley down on his stomach. Suspect Burley was able to raise his body up off of the ground even with Deputy Aviles' body weight on him. Suspect Burley would not surrender his hands to be handcuffed. Deputy Aviles attempted to gain control of Suspect Burley's left arm. Deputy [redacted] attempted to gain control of Suspect Burley's lower body, to keep him on the ground. Suspect Burley attempted to bite Deputy Aviles' right arm, and he yelled that to his partner. At that point, Deputy Beserra arrived and helped gain control of Suspect Burley's left arm. Additional deputies arrived and they were finally able to get Suspect Burley handcuffed. During the struggle with Suspect Burley, Deputy Aviles heard what sounded like a taser being deployed and then someone yell as if they were struck by that taser. He was aware that Suspect Burley had not been tased because he continuously heard him grunting and breathing. Suspect Burley continued to kick his legs, so with Deputy [redacted]s assistance a hobble device was applied by Deputy William Lefevre.

Due to being out of breath, Deputy Aviles walked away from the struggle with Suspect Burley once he was restrained. Deputy Aviles then noticed that Suspect Burley was no longer handcuffed and being treated by paramedics. From the time Suspect Burley went to the ground until he was handcuffed, Deputy Aviles estimated the time as one minute. With the situation as it was and the force options available to them at the time, Deputy Aviles did not think that any other force options could have been used.

Deputy Aviles did not use oleoresin capsicum (OC) spray (pepper spray) because he did not want to disengage from his contact with Suspect Burley and he did not want to contaminate his partners. His main goal was to get Suspect Burley handcuffed immediately.

IAB Note: For further details, refer to a picture marked and signed by Deputy Aviles in Exhibit C and his transcribed interview.

DEPUTY ERNEST CELAYA, Employee #[redacted] was interviewed on August 6, 2014, by Internal Affairs Bureau Sergeant Sonja Bracken and Sergeant Catrina Khaseampanth. Deputy Celaya was represented by Attorney Dale Nowicki from Green & Shinee. The interview took place at Internal Affairs Bureau in interview room B and was digitally recorded. The following is a summary:

On August 3, 2012, Deputy Celaya was partnered with his training officer Deputy [redacted] Deputy Celaya was carrying oleoresin capsicum (OC) spray and a baton on his person. He and his partner did not have a taser while on duty that evening. There were a limited amount of tasers available at Compton Station at the time. Deputy Celaya had no contacts with Suspect Darren Burley prior to this evening.

Deputy Celaya (driver) and his partner responded to the call on Glencoe Street and parked their patrol car approximately two houses east of Temple Avenue, facing east. Upon their arrival, several citizens in the street directed them eastbound. Deputy Celaya ran eastbound down the street and located deputies on the ground struggling with Suspect Burley. The deputies were in the street, near the south curbline, in front a white pickup truck. Suspect Burley was on his stomach, with his head toward the south and his feet toward the north.

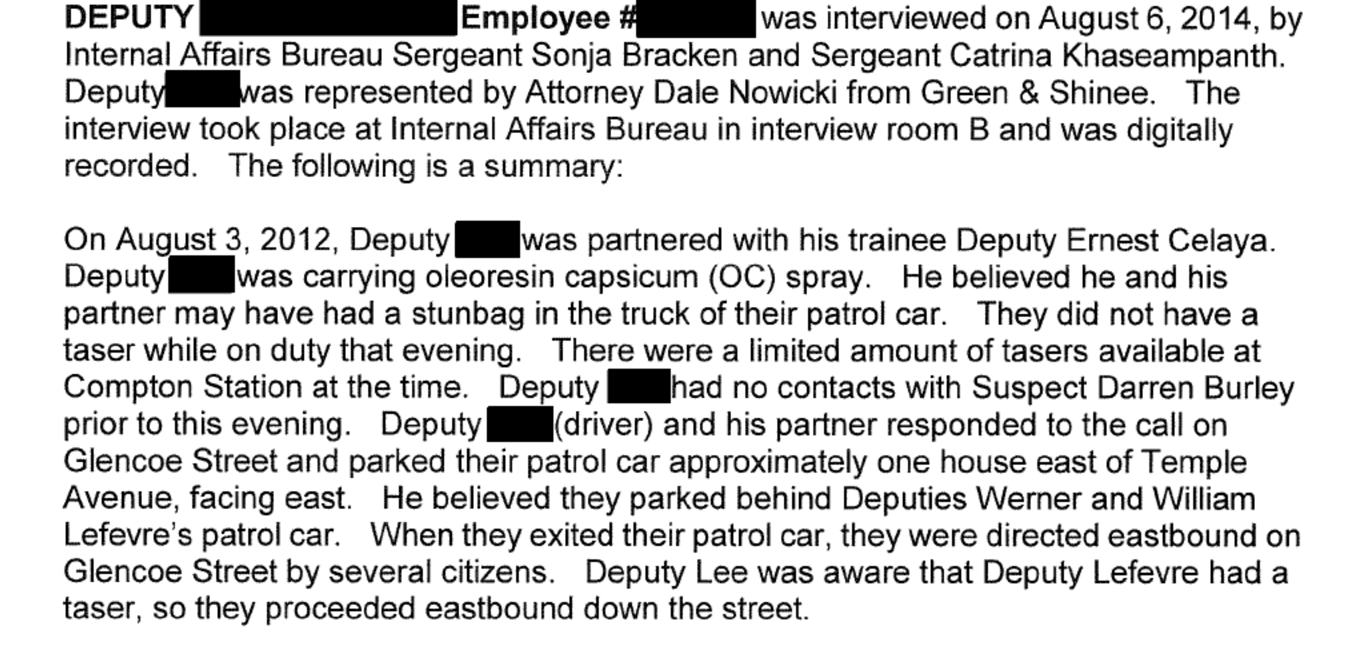
*On a picture in **Exhibit C**, Deputy Celaya marked a square to depict the approximate location where he parked their patrol car. He marked an "O" to depict the approximate location where he believed another patrol car was parked. He marked an "X" to depict the approximate location where the struggle with Suspect Burley took place.*

As Deputy Celaya approached he saw several deputies engaged with Suspect Burley. He recalled Deputies William Lefevre and John Werner being there during the struggle but, due to tunnel vision, he could not recall their positions. Deputy [redacted] positioned himself on Suspect Burley's right side at the middle of his body. Deputy Celaya positioned himself at Suspect Burley's feet, toward the right side of his body. Suspect Burley was kicking his feet and attempting to get up off of the ground. Deputy Celaya kneeled on Suspect Burley's right leg in order to try and stop him from getting up. Suspect Burley's hands were under his body and he was attempting to push himself up. Deputy Celaya heard deputies giving several commands such as: "Give me your hands" and "Stop fighting." Suspect Burley was grunting and not complying with their orders.

Deputy Celaya heard the sound of a taser discharging and saw that Deputy Lefevre had accidentally tased himself. Deputy Celaya grabbed the taser from Deputy Lefevre, removed the discharged cartridge and drive stunned Suspect Burley approximately three times in his right lower leg. He drive stunned Suspect Burley three times because the first and second applications did not appear to have any effect on him. Suspect Burley continued to try and get up from the ground and was not displaying his hands. Deputy [redacted] retrieved the taser and he drive stunned Suspect Burley on the right side of his rib area. Again, the taser did not appear to be effective and Suspect Burley continued the same non-compliant actions. Deputy [redacted] gave the taser back to Deputy Celaya. At that point, Deputy Werner had asked if the female victim, later identified as Victim [redacted] had been located. Deputy Celaya looked down the street, saw Victim [redacted] in the middle of the street crying and went to her. Suspect Burley had not been handcuffed yet as he went to Victim [redacted] He believed that Victim [redacted] was hurt and went to assist her. Deputy Celaya did not see any deputies punch or strike Suspect Burley with personal weapons or impact weapons. He did not see a hobble being applied to Suspect Burley.

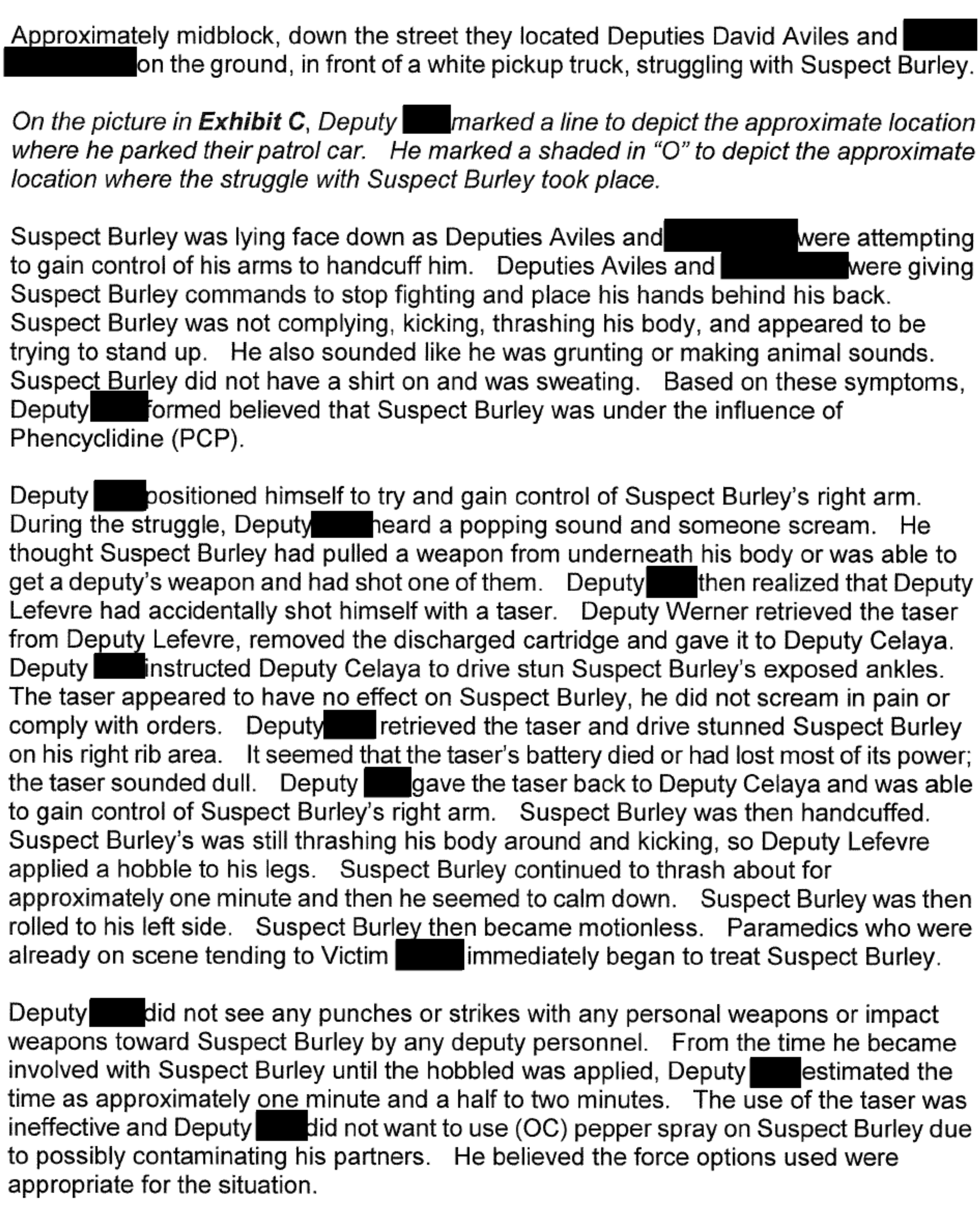
Based on Suspect Burley's strength, his sweating profusely, the smell of a slight chemical order emitting from his body and the grunting sounds he was making, Deputy Celaya believed he was under the influence of Phencyclidine (PCP). Deputy Celaya believed that the force that was used on Suspect Burley that evening was, "About the best that I think we could do."

> **IAB Note: For further details, refer to a picture marked and signed by Deputy Celaya in Exhibit C and his transcribed interview.**



DEPUTY [redacted] Employee #[redacted] was interviewed on August 6, 2014, by Internal Affairs Bureau Sergeant Sonja Bracken and Sergeant Catrina Khaseampanth. Deputy [redacted] was represented by Attorney Dale Nowicki from Green & Shinee. The interview took place at Internal Affairs Bureau in interview room B and was digitally recorded. The following is a summary:

On August 3, 2012, Deputy [redacted] was partnered with his trainee Deputy Ernest Celaya. Deputy [redacted] was carrying oleoresin capsicum (OC) spray. He believed he and his partner may have had a stunbag in the truck of their patrol car. They did not have a taser while on duty that evening. There were a limited amount of tasers available at Compton Station at the time. Deputy [redacted] had no contacts with Suspect Darren Burley prior to this evening. Deputy [redacted] (driver) and his partner responded to the call on Glencoe Street and parked their patrol car approximately one house east of Temple Avenue, facing east. He believed they parked behind Deputies Werner and William Lefevre's patrol car. When they exited their patrol car, they were directed eastbound on Glencoe Street by several citizens. Deputy Lee was aware that Deputy Lefevre had a taser, so they proceeded eastbound down the street.



Approximately midblock, down the street they located Deputies David Aviles and [redacted] on the ground, in front of a white pickup truck, struggling with Suspect Burley.

*On the picture in **Exhibit C**, Deputy [redacted] marked a line to depict the approximate location where he parked their patrol car. He marked a shaded in "O" to depict the approximate location where the struggle with Suspect Burley took place.*

Suspect Burley was lying face down as Deputies Aviles and [redacted] were attempting to gain control of his arms to handcuff him. Deputies Aviles and [redacted] were giving Suspect Burley commands to stop fighting and place his hands behind his back. Suspect Burley was not complying, kicking, thrashing his body, and appeared to be trying to stand up. He also sounded like he was grunting or making animal sounds. Suspect Burley did not have a shirt on and was sweating. Based on these symptoms, Deputy [redacted] formed believed that Suspect Burley was under the influence of Phencyclidine (PCP).

Deputy [redacted] positioned himself to try and gain control of Suspect Burley's right arm. During the struggle, Deputy [redacted] heard a popping sound and someone scream. He thought Suspect Burley had pulled a weapon from underneath his body or was able to get a deputy's weapon and had shot one of them. Deputy [redacted] then realized that Deputy Lefevre had accidentally shot himself with a taser. Deputy Werner retrieved the taser from Deputy Lefevre, removed the discharged cartridge and gave it to Deputy Celaya. Deputy [redacted] instructed Deputy Celaya to drive stun Suspect Burley's exposed ankles. The taser appeared to have no effect on Suspect Burley, he did not scream in pain or comply with orders. Deputy [redacted] retrieved the taser and drive stunned Suspect Burley on his right rib area. It seemed that the taser's battery died or had lost most of its power; the taser sounded dull. Deputy [redacted] gave the taser back to Deputy Celaya and was able to gain control of Suspect Burley's right arm. Suspect Burley was then handcuffed. Suspect Burley's was still thrashing his body around and kicking, so Deputy Lefevre applied a hobble to his legs. Suspect Burley continued to thrash about for approximately one minute and then he seemed to calm down. Suspect Burley was then rolled to his left side. Suspect Burley then became motionless. Paramedics who were already on scene tending to Victim [redacted] immediately began to treat Suspect Burley.

Deputy [redacted] did not see any punches or strikes with any personal weapons or impact weapons toward Suspect Burley by any deputy personnel. From the time he became involved with Suspect Burley until the hobbled was applied, Deputy [redacted] estimated the time as approximately one minute and a half to two minutes. The use of the taser was ineffective and Deputy [redacted] did not want to use (OC) pepper spray on Suspect Burley due to possibly contaminating his partners. He believed the force options used were appropriate for the situation.

<u>IAB Note:</u> For further details, refer to a picture marked and signed by Deputy [redacted] in Exhibit C and his transcribed interview.

DEPUTY PAUL BESERRA, Employee #[redacted] was interviewed on August 11, 2014, by Internal Affairs Bureau Sergeant Sonja Bracken and Sergeant Eric Eitner. Deputy Beserra was represented by Attorney Dale Nowicki from Green & Shinee. The interview took place at Internal Affairs Bureau in interview room B and was digitally recorded. The following is a summary:

On August 3, 2012, Deputy Beserra was assigned as a one person unit. Deputy Beserra was carrying (OC) pepper spray and an expandable baton. Deputy Beserra had no contacts with Suspect Darren Burley prior to this evening. Deputy Beserra responded to the call on Glencoe Street and parked his patrol car approximately two houses east of Temple Avenue, facing east, on the south side of Glencoe Street. Several citizens directed Deputy Beserra eastbound down Glencoe Street. He saw Victim [redacted] lying in the street screaming and crying. He continued further down Glencoe Street and saw deputies on the ground, near the south curbline, in front of a white pickup truck, struggling with Suspect Burley.

On the first picture of two in ***Exhibit C****, Deputy Beserra marked an "X" to depict the approximate location where he parked his patrol car. On both pictures he marked an "O" to depict the approximate location where the struggle with Suspect Burley took place.* **(Note: The second picture in Deputy Beserra's Exhibit C, depicts a red car where the white pickup was parked on the date of the incident.)**

Suspect Burley's hands were underneath his body as Deputies [redacted] and David Aviles were attempting to handcuff him. Suspect Burley was kicking his legs violently, swinging his body from left to right and appeared to be throwing his elbows upwards towards deputies. Deputy Beserra knelt down and assisted Deputy Aviles with gaining control of Suspect Burley's left arm. Deputy Beserra and his partners were giving Suspect Burley several commands to "Stop fighting" and "Stop resisting." Deputies [redacted] and [redacted] were finally able to gain control of Suspect Burley's right arm, which allowed him to be handcuffed. Deputy Beserra was not aware if a taser was used on Suspect Burley, he was focused on gaining control of Suspect Burley's arm. He heard a taser activation but was not certain if it was used on Suspect Burley, how long or how many times it was discharged. The taser did not appear to have any effect on Suspect Burley, he continued to kick and thrash his body about even after Deputy Beserra heard the taser activation.

Suspect Burley continued to try and get up off of the ground after being handcuffed. Deputy Beserra did not see any deputies strike Suspect Burley with any punches, kicks or impact weapons. He did not see a hobble being applied to Suspect Burley's legs. Once Suspect Burley calmed down, Deputy Beserra rolled him on his left side and that is when he realized he (Suspect Burley) was not breathing. Deputy Beserra was aware that paramedics were already on scene and tending to Victim [redacted] during their struggle with Suspect Burley. The paramedics were immediately summoned to assist Suspect Burley.

In Deputy Beserra's opinion, there were sufficient deputies on scene during the incident to control Suspect Burley. He and his partners were in close proximity to each other and he felt that (OC) pepper spray would have contaminated all of them. He did not have room to deploy his expandable baton and he thought, based on the situation, they used the proper force on Suspect Burley. From the time he arrived on scene until Suspect Burley was handcuffed, Deputy Beserra estimated the time as two to three minutes.

<u>IAB Note:</u> For further details, refer to two pictures marked and signed by Deputy Beserra and his transcribed interview.

DEPUTY WILLIAM LEFEVRE, Employee #[redacted] was interviewed on August 11, 2014, by Internal Affairs Bureau Sergeant Sonja Bracken and Sergeant Eric Eitner. Deputy Lefevre was represented by Attorney Dale Nowicki from Green & Shinee. The interview took place at Internal Affairs Bureau in interview room D and was digitally recorded. The following is a summary:

On August 3, 2012, Deputy Lefevre was partnered with his training officer, Deputy John Werner. Deputy Lefevre was equipped with (OC) pepper spray, an expandable baton and a taser. Deputy Lefevre had no contacts with Suspect Darren Burley prior to this evening. Deputy Lefevre (driver) and his partner responded to the call on Glencoe Street and parked their patrol car midblock on Glencoe Street, facing east. Citizens directed them eastbound down Glencoe Street. Approximately 20 to 30 feet from their vehicle, Deputy Lefevre saw Deputies [redacted] and Aviles on the south side of the street, in front of a white pickup truck, struggling with Suspect Burley.

*On a picture in **Exhibit C**, Deputy Lefevre marked an "O" to depict the approximate location where their patrol car was parked. He believed the struggle with Suspect Burley took place just ahead of their car and near the large tree in the center of the picture.*

As Deputy Lefevre ran to assist them, he saw Suspect Burley lying on his stomach and resisting the deputies' efforts to handcuff him. Suspect Burley was also making grunting and snarling noises. As he was attempting to gain control of Suspect Burley's right arm, he heard one of the deputies say, "Tase him," "Use your taser." As Deputy Lefevre retrieved the taser from his rear left pant pocket he accidentally tased himself. He fell to the ground but was able to throw the taser and yell for someone to turn it off. Deputy Lefevre was incapacitated for approximately 10 to 15 seconds. He believed that he saw Deputy Celaya use the taser on Suspect Burley twice; once on the right ribcage area and once on his right leg. The taser did not appear to have any effect on Suspect Burley; he was kicking his legs and attempting to stand up. He did not see when Suspect Burley was handcuffed. When he regained his bearings, he heard a deputy yell for a hobble. He ran with his hobble and applied it around Suspect Burley's ankles.

During the struggle Deputy Lefevre heard deputies giving several commands for Suspect Burley to comply. After Suspect Burley was hobbled, Deputy Beserra rolled Suspect Burley onto his left side. After approximately 20 seconds, Suspect Burley appeared limp and unresponsive. Paramedics were already on scene and immediately began to treat Suspect Burley. From the time when he and his partner arrived on scene until Suspect Burley was handcuffed, Deputy Lefevre estimated the time as four to five minutes. Deputy Lefevre did not have room on his gun-belt to attach a holster for the taser he was carrying, which is why he had it in his pocket.

IAB Note: For further details, refer to a picture marked and signed by Deputy Lefevre and his transcribed interview.

DEPARTMENT EMPLOYEE WITNESS STATEMENT:

DEPUTY JOHN WERNER, Employee #[redacted] was interviewed on August 6, 2014, by Internal Affairs Bureau Sergeant Sonja Bracken and Sergeant Catrina Khaseampanth. Deputy Werner was represented by Attorney Dale Nowicki from Green & Shinee. The interview took place at Internal Affairs Bureau in interview room B and was digitally recorded. The following is a summary:

On August 3, 2012, Deputy Werner (driver) was partnered with his trainee Deputy William Lefevre. **Note: Both deputies believed they were driving on the evening of this incident, they could not recall for sure.** Deputy Werner was equipped with an expandable baton. His partner was equipped with a taser. Deputy Werner had no contacts with Suspect Darren Burley prior to this evening. Deputy Werner and his partner responded to the call on Glencoe Street and parked their patrol car approximately one house east of Temple Avenue, facing east. Citizens directed them eastbound down Glencoe Street. Deputy Werner saw Victim [redacted] in the middle of the street screaming and yelling. He then heard someone yell his name, so he looked toward the south curbline and saw Deputies [redacted] and Aviles on the ground struggling with Suspect Burley.

*On a picture in **Exhibit C,** Deputy Werner marked an arrow to depict the approximate location where their patrol car was parked. He marked a shaded in "O" to depict the approximate location where he saw Victim [redacted] He marked an "X" to depict the approximate location where the struggle with Suspect Burley took place.*

Suspect Burley had his hands underneath his body as Deputies [redacted] and Aviles struggled to gain control of his arms. As he and his partner got closer to the two deputies, Deputy Lefevre reached for the taser he had tucked behind him and accidentally tased himself. Deputy Werner hesitated to try and decide who he should assist, his partner or the deputies engaged with Suspect Burley. Deputy Celaya picked up the taser and removed the expended cartridge and attempted to drive stun Suspect Burley two to three times. Deputy Werner recalled that the taser sounded very weak and it did not seem to have any effect on Suspect Burley.

During the struggle, Suspect Burley appeared to be attempting to stand up. Deputy Werner saw deputies knelt down on Suspect Burley's back but could not recall who they were or the exact positions of those deputies. He did not see any deputies punch or kick Suspect Burley. Deputy Werner saw that deputies were finally able to gain control of Suspect Burley's hands but did not specifically see who handcuffed him. Deputy Lefevre applied a hobble to Suspect Burley's legs. Suspect Burley was rolled to his left side. The fire department was already on scene treating Victim [redacted] Deputy Werner saw that Suspect Burley breathing slowed and he began to calm down. While monitoring Suspect Burley, Deputy Werner realized that he was no longer breathing. Deputy Werner immediately requested fire to treat Suspect Burley.

Deputy Werner did not use any force on or assist with handcuffing Suspect Burley. Deputy Werner believed that Suspect Burley was under the influence of Phencyclidine (PCP) based on his strength, the noises he was making, and him foaming at the mouth. Deputy Werner felt that the force that was used by his partners was appropriate for the situation.

IAB Note: For further details, refer to a picture marked and signed by Deputy Werner and his transcribed interview.

NON-DEPARTMENT WITNESS STATEMENTS:

[redacted] was interviewed by IAB Sergeants Bracken and Uribe on July 1, 2014 at his home on Glencoe Street. Spanish translation was provided by Sergeant Uribe. The following is a summary of that interview:

Mr. [redacted] was home on August 3, 2012, when he heard his neighbors outside and police sirens approaching. He went out to his front porch and saw Suspect Burley lying face down on his stomach, handcuffed in the street in front of 1350 Glencoe Street. **Note: Refer to Exhibit C ([redacted] section) for a picture depicting Mr. [redacted]'s view of the incident area from his front porch.** He did not see how Suspect Burley ended up on the ground. He saw deputies with their knees on Suspect Burley's back. He did not see the deputies strike Suspect Burley. He did not hear a taser or see the deputies use a taser on Suspect Burley. Mr. [redacted] was not familiar with a sound of a taser. He did not see anything placed around Suspect Burley's legs.

IAB Note: For further details, refer to Mr. [redacted]'s transcribed interview.

IAB Note: Mr. [redacted] was not listed on any Compton Station report. On the night of the incident Mr. [redacted] told Compton personnel that he did not see what happened (page 13 of his transcript).

Compton Station supervisors' video interviewed Victim [redacted] *as well as Witnesses* [redacted] *and* [redacted] *on the date of this incident.* ***Victim*** [redacted] *did not provide any details about deputies interaction with Suspect Burley.*

Witness [redacted] *was at his home (1350), approximately 10-15 feet from the incident. He saw Suspect Burley assaulting Victim* [redacted] *He saw deputies arrive, push Suspect Burley down on the ground, and were holding him down. He believed Suspect Burley hurt one of the deputies and then he was tased. No further details were provided.*

Witness [redacted] *was at her home (1350), approximately 10-15 feet from the incident. She saw Suspect Burley assaulting Victim* [redacted] *She saw deputies arrive, push Suspect Burley down on the ground and were holding him down. No further details were provided.*

Refer to ***Exhibit D*** *for the DVD containing those interviews.*

SUSPECT STATEMENTS:

None (Deceased)